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OFFICE OF PETITIONS

In re Application of
Alan P. Wolfe, et al.
Application No. 10/084,826
Filed: October 24, 2001
Attorney Docket No. 8325-0014.20

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c) filed May 4, 2005, requesting that the above-identified application be accorded a filing date of October 24, 2001, instead of the presently accorded date of February 24, 2002.

Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on October 24, 2001. In support, petitioners provide, *inter alia*, a copy of the Express Mail label, receipt No. EL873907305US. The same Express Mail receipt number was referred to in the original transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 24, 2001.

The petition is **GRANTED**.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **October 24, 2001** and for issuance of a corrected filing receipt.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy